



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

September 17, 2004

Mr. Jerry Dunaway  
BRAC Environmental Coordinator  
Naval Facilities Engineering Command  
BRAC Program Office  
1230 Columbia Street, Suite 1100  
San Diego, California 92101-8517

FINDING OF SUITABILITY TO TRANSFER A PORTION OF CARVE-OUT 5 (PARCEL 20, AND THE LANSLOWNE ROAD PORTION OF PARCEL 40) AND CARVE-OUT 10 (PORTIONS OF PARCELS 28, 40, AND 41) AT FORMER MARINE CORPS AIR STATION TUSTIN, CALIFORNIA

Dear Mr. Dunaway:

On September 15, 2004 the Department of Toxic Substances Control (DTSC) received electronic versions of the revised text, tables, figures, and response to comments for the subject document, also known as FOST 6. Based upon review of these items, DTSC's comments that were forwarded on July 29 through September 9, 2004 have been adequately addressed. The purpose of this FOST is to document the conclusion that the property identified above is suitable for transfer by deed.

DTSC concurs with the suitability to transfer of the above subject parcels with the following statements for the record:

1. Resource Conservation and Recovery Act (RCRA) Corrective Action Complete Determination – This determination officially recognizes that corrective action requirements for hazardous waste contamination regulated by RCRA has been completed. A Corrective Action Complete Determination ensures that RCRA liabilities are not imposed upon future transferees. DTSC understands that the Navy will not request this determination from DTSC for the parcels proposed for transfer in this FOST. Should a transferee desire the certainty provided by a Corrective Action Complete Determination, the transferee should apply to DTSC. DTSC will work with the transferee to complete the process, which includes modifying the facility boundary.

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2. Prior to the transfer of the property, the Department of the Navy, DTSC, and the Santa Ana Regional Water Quality Control Board shall execute a Covenant to Restrict Use of Property – Environmental Restriction. This land use covenant shall be executed and recorded before the property is transferred.
3. DTSC requests an opportunity to review the transfer deed prior to the completion of the transfer process.
4. Please ensure that the revised text, tables, figures, response to comments, and all attachments are incorporated into the final version of the document.

Thank you for providing DTSC with the opportunity to review this FOST. If you have any questions regarding this letter, please contact Mr. Anantaramam Peddada, Remedial Project Manager, at (714) 484-5418.

Sincerely,



John E. Scandura, Chief  
Office of Military Facilities  
Southern California Operations

cc: Mr. James Ricks, Project Manager  
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cc: Ms. Patricia Hannon  
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Mr. Donald E. Zweifel, Co-Chairperson  
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bcc: Mr. Manny Alonzo, Unit Chief  
Base Closure and Reuse Unit  
Office of Military Facilities  
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Remedial Project Manager  
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